



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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MAR 19 1990
FBI - NEW YORK
100 NORTH SEVENTH STREET
ARLINGTON VA 22209

EXAMINER

ART UNIT	PAPER NUMBER
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1724
DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/872,010

Applicant(s)

DULLIEN ET AL.

Examiner

Scott Bushey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-13 is/are pending in the application.
- 4a) Of the above claim(s) 11 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-10 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 08/727,641.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 sheets
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species E, Figs. 6a and 6b in Paper No. 3 is acknowledged.

Applicant has stated in the election that claims 1-4, 7-10, and 13 read on the elected species. Claims 11 and 12 are therefore withdrawn from further consideration.

Claim Rejections - 35 USC § 112

2. Claims 9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 9 and 10, "the flow channel" and "said flow channel", respectively, lack antecedent basis.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, 7, 9, 10, and 13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Britain 632,360 (Figs. 1-5; page 1, lines 57-66, 80-87; page 2, lines 37-41; page 3, lines 16-45, 68-87; page 5, lines 77-86, 122-128).

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Britain 632,360 taken together with Brown et al.

Britain 632,360 (Figs. 1-5; page 1, lines 57-66, 80-87; page 2, lines 37-41; page 3, lines 16-45, 68-87; page 5, lines 77-86, 122-128) substantially discloses applicant's invention as recited by instant claim 3, except for the recitation that the elements are electrostatically charged.

Brown et al (Figs. 3-5) disclose an apparatus for removing particles from a fluid stream similar to that of the British reference, but wherein the elements which define the unobstructed flow channels are electrostatically charged in order that the separation efficiency of the apparatus would be greatly increased. It would have been obvious for an artisan at the time of the invention, to provide the filtration elements of the British reference with static charges, in view

of Brown et al, since such would expectedly increase the particle collection efficiency of the apparatus as suggested by the British reference.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Britain 632,360 taken together with any one of Sheehan, Jesernig et al, McClure, Hoon et al, and Schmidt, Jr. et al.

Britain 632,360 (Figs. 1-5; page 1, lines 57-66, 80-87; page 2, lines 37-41; page 3, lines 16-45, 68-87; page 5, lines 77-86, 122-128) substantially discloses applicant's invention as recited by instant claim 8, except for the recitation that the elements are shaken or moved to facilitate particle removal from the surfaces thereof.

Sheehan, Jesernig et al, McClure, Hoon et al, and Schmidt, Jr. et al (See the Abstract of each secondary reference) each disclose vertically oriented tubular particle elimination elements that are provided with shaker means for periodically shaking the filter elements to remove collected particles therefrom. Wherein it is notoriously well known within the art of air filtration to periodically renew the filter surface by removing a collected layer of particles by vibrating the filter surface with a shaker mechanism, it would have been obvious for an artisan at the time of the invention, to provide the apparatus as taught by British reference 632,360, with shaker means, in view of any one of the alternative secondary references, since such would increase the filtration efficiency of the British reference in a well known manner by eliminating the need to shut down the apparatus for regular cleaning of the filter elements thereof.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Bushey whose telephone number is (703) 308-3581. The examiner can normally be reached on Monday-Thursday 6:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Simmons can be reached on (703) 308-1972. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7718 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Scott Bushey
Primary Examiner
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9-27-01

csb
September 27, 2001